

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA

|   |   |                               |
|---|---|-------------------------------|
| James D. Scott,                           | ) | Civil Action No. 0:16-533-BHH |
|   | ) |                               |
| Plaintiff,                                | ) |                               |
|   | ) |                               |
| vs.                                       | ) | <b>AMENDED</b>                |
|   | ) | <b>ORDER AND OPINION</b>      |
| South Carolina Department of              | ) |                               |
| Corrections; Warden Robert Stevenson,     | ) |                               |
| III; Warden Cecilia Reynolds; Chaplain B. | ) |                               |
| Collough; Chaplain J. Michael Brown;      | ) |                               |
| Chaplain Leonard Cain,                    | ) |                               |
|   | ) |                               |
| Defendants.                               | ) |                               |
|   | ) |                               |

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Plaintiff James D. Scott ("Plaintiff"), who is represented by counsel, brought this action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial handling and a Report and Recommendation ("Report").

This matter is before the Court on Plaintiff's motion for preliminary injunction (ECF No. 12) and Defendant's Motion for Summary Judgment (ECF No. 25). On January 26, 2017, Magistrate Judge Gossett issued a Report recommending that Defendant's Motion for Summary Judgment be granted as to Plaintiff's federal claims, that Plaintiff's motion for a preliminary injunction should be denied, and that the court should decline to exercise supplemental jurisdiction over Plaintiff's state law claim. (ECF No. 34.) The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. (*Id.* at 10.) Plaintiff filed no objections and the time for doing so expired on February 9, 2017.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report, the Court finds the Magistrate Judge’s recommendation to be proper and to evince no clear error. Accordingly, the Court adopts the recommendation and incorporates the Report herein by specific reference. Defendant’s Motion for Summary Judgment (ECF No. 25) is GRANTED as to Plaintiff’s federal claims; Plaintiff’s motion for a preliminary injunction (ECF No. 12) is DENIED, and the Court declines to exercise supplemental jurisdiction over Plaintiff’s state law claim, and hereby remands the claim to state court.

**IT IS SO ORDERED.**

/s/Bruce Howe Hendricks  
United States District Judge

February 14, 2017  
Greenville, South Carolina

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.